IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.72 OF 2005

Sou. Surekha Ganesh Sakat ..Applicant.

Vs.

Ganesh Jaywant Sakat ..Respondent.

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Mr.Dilip Bodake for the Applicant.

Mr.C.R.Anekar for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

14th December, 2005.

P.C. :

The Applicant has instituted proceedings for maintenance under Section 121 of the Criminal Procedure Code, 1973 before the J.M.F.C. Dhaiwadi. The Respondent has instituted proceedings for the dissolution of the marriage between the parties in the Family Court at Bandra. The Applicant has prayed for the transfer of the proceedings from the Family Court at Bandra to the Civil Judge, Senior Division, Satara and there is also a prayer to the

effect that the maintenance proceedings be also transferred to the Civil Judge, Senior Division, Satara. The Respondent has filed a reply and it has been stated that the father of the Applicant is engaged in the Railways at Mumbai. A copy of the pay slip has been annexed to the reply. Counsel appearing for the Applicant does not dispute the factual position that the father of the Applicant is in service at Mumbai. That apart, a copy of the ration card which is annexed to the reply will show that as far back as on 26th September, 1990 the ration card which was then obtained shows the residence of the Applicant in Mumbai as part of the family. Consequently, no case for transfer of the proceedings has been made out. The Application for transfer is accordingly dismissed.